

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES D. MACIEL,

Plaintiff,

2:03-cv-1038-GEB-PAN- P

vs.

EDWARD ALAMEIDA, et al.,

Defendants.

ORDER

On March 24, 2006, the magistrate judge recommended this action be dismissed pursuant to 42 U.S.C. § 1915(g). On July 7, 2006, the court adopted the findings and recommendations in full and dismissed this action. Judgment duly was entered. July 20, 2006, plaintiff filed objections to the findings and recommendations. The court construes the objections as a request for relief from judgment.

Federal rule governs granting relief from judgment:

On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged, or a prior

1 judgment upon which it is based has been reversed or otherwise
2 vacated, or it is no longer equitable that the judgment should have
3 prospective application; or (6) any other reason justifying relief
4 from the operation of the judgment.

5 Fed. R. Civ. P. 60(b). Plaintiff presents no facts or argument that justify granting relief from
6 judgment.

7 Accordingly, plaintiff's July 20, 2006, request is denied.

8 IT IS SO ORDERED.

9 Dated: August 29, 2006

10 /s/ Garland E. Burrell, Jr.
11 GARLAND E. BURRELL, JR.
12 United States District Judge
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